

AO 93 (Rev. 11/13) Search and Seizure Warrant

## UNITED STATES DISTRICT COURT

for the  
Southern District of Ohio

In the Matter of the Search of )  
 (Briefly describe the property to be searched )  
 or identify the person by name and address )  
 INFORMATION ASSOCIATED WITH FACEBOOK USER ID )  
 SAM.WHITT.9 THAT IS STORED AT PREMISES )  
 CONTROLLED BY FACEBOOK )

Case No.

1:17mj3

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Southern District of Ohio  
 (Identify the person or describe the property to be searched and give its location):

See Attachment A

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (Identify the person or describe the property to be seized):

See Attachment B

YOU ARE COMMANDED to execute this warrant on or before 1/19/17 (not to exceed 14 days)

☒ In the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to

Stephanie Bowman  
 (United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for days (not to exceed 30) ☐ until, the facts justifying, the later specific date of

Date and time issued: 1/5/17 10:48 am

City and state: Cincinnati OH

Stephanie K Bowman  
 Judge's signature

Stephanie K Bowman Mag Judge  
 Printed name and title

US000179

Defense Exhibit A

US000180

ATTACHMENT A

**Property to Be Searched**

This warrant applies to information associated with the Facebook user ID  
SAM.WHITT.9 that is stored at premises owned, maintained, controlled, or operated by  
Facebook Inc., a company headquartered in Menlo Park, California.

US000181

**Defense Exhibit A**

**ATTACHMENT B**

**Particular Things to be Seized**

**I. Information to be disclosed by Facebook**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments;

gifts; pokes; tags; and information about the user's access and use of Facebook applications;

- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (i) All information about the Facebook pages that the account is or was a "fan" of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user's access and use of Facebook Marketplace;
- (m) The types of service utilized by the user;
- (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

**II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 42, United States Code, Section 3631 involving SAMUEL WHITT since June 1, 2013, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Evidence relating to intimidation, injury, and/or interference with individuals on the basis of race;
- (b) Evidence relating to membership in gangs, groups, and/or organizations;
- (c) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (d) Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation;
- (e) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).
- (f) The identity of the person(s) who communicated with the user ID about matters relating to intimidation, injury, and/or interference with individuals on the basis of race, including records that help reveal their whereabouts.
- (g) Photos, videos, or communications involving the Price Hill House, the damage done at the Price Hill House, or the items removed from the Price Hill House.

AO 106 (Rev. 04/10) Application for a Search Warrant

## UNITED STATES DISTRICT COURT

for the  
Southern District of Ohio

In the Matter of the Search of  
 (Briefly describe the property to be searched  
 or identify the person by name and address)  
 INFORMATION ASSOCIATED WITH FACEBOOK USER ID  
 SAM.WHITT.9 THAT IS STORED AT PREMISES  
 CONTROLLED BY FACEBOOK

Case No.

1:17mj3

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):  
 See Attachment A

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):  
 See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 42, United States Code, Section 3631	Violation of Fair Housing Act

The application is based on these facts:  
 See attached affidavit

- ☐ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*Pamela S. Kirschner*  
 Applicant's signature

Special Agent Pamela S. Kirschner, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: January 5, 2016

*Stephanie K. Bowman*  
 Judge's signature

City and state: Cincinnati, OH

Hon. Stephanie K. Bowman, U.S.M.J.

Printed name and title

US000185

Defense Exhibit A

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

IN THE MATTER OF THE SEARCH OF  
INFORMATION ASSOCIATED WITH  
FACEBOOK USER ID SAM.WHITT.9  
THAT IS STORED AT PREMISES  
CONTROLLED BY FACEBOOK INC.

Case No. \_\_\_\_\_

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Pamela Kirschner, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook user ID that is stored at premises owned, maintained, controlled, or operated by Facebook Inc. ("Facebook"), a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID.

2. I have been employed as a Special Agent ("SA") of the Federal Bureau of Investigation ("FBI") since 1997, and am currently assigned to the Cincinnati Division, Complex Financial Crimes Squad. I have investigated a wide range of federal criminal violations, including those associated with corporate fraud, securities fraud, money laundering, identity theft, and other mail and wire frauds. I have gained experience through training at the FBI, subsequent in-services, seminars, conferences, and everyday work related to conducting these

US000186

**Defense Exhibit A**



types of investigations. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 42, United States Code, Section 3631 have been committed by SAMUEL WHITT and others. There is also probable cause to search the information described in Attachment A for evidence of these crimes, as described in Attachment B.

#### PROBABLE CAUSE

5. I have met and spoken with two individuals ("Victim-A" and "Victim-B"), as well as reviewed photographs, and from those meetings and conversations, I have learned, among other things, the following:

- a. Victim-A is an African American male. Victim-A is married to Victim-B, a white female.
- b. Victim-A and Victim-B own various properties in the Cincinnati, Ohio area that they rent out to tenants.
- c. One of those properties is a two-family home in the Price Hill neighborhood (the "Price Hill House").

d. On or about August 3, 2016, Victim-A and Victim-B rented out the lower part of the Price Hill House to an individual ("Individual-I"). Individual-I moved into the Price Hill House and her boyfriend, SAMUEL WHITT, joined her.

e. On or about November 22, 2016, Victim-A and Victim-B evicted Individual-I and WHITT because they had not paid rent. Individual-I and WHITT left behind, among other things, a bookcase (the "Bookcase").

f. On or about November 23, 2016, Victim-A and Victim-B traveled out of the Cincinnati area for the Thanksgiving holiday. Both units were vacant at the time.

g. On or about November 28, 2016, Victim-A and Victim-B returned to the Cincinnati area. Victim-A went to check on the Price Hill House.

h. Victim-A found that the Price Hill House had been vandalized in their absence. The vandalism included paint splattered on the walls and the stairs, large holes in the walls, torn carpet, Quikrete<sup>1</sup> in the bathroom drains, and spray paint on the walls and windows with messages including "die nigger," "white power," and "slum lord," as well as swastikas. A refrigerator and the Bookcase, among other things, had been removed. Plumbing traps were removed from two sinks and the water was left running, causing extensive water damage to the ceilings and floors. The gas stove was turned on, and the smoke detector above the stove was hanging from the ceiling (indicating someone had attempted to disable it by force).

i. Victim-A had previously heard SAMUEL WHITT and his associate using a racial epithet.

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<sup>1</sup> Quikrete is a quick-drying concrete that requires the addition of water to activate.

6. I have spoken with an officer with the Cincinnati Police Department ("CPD"), as well as reviewed reports by the officer and other officers with CPD, and from those conversations and review, I have learned, among other things, the following:

- a. A Kilz spray paint can found in the Price Hill House bore the fingerprint of SAMUEL WHITT.
- b. A paint can that was overturned inside of a refrigerator in the Price Hill House bore the fingerprint of SAMUEL WHITT.
- c. SAMUEL WHITT was arrested on or about June 21, 2013 for vandalizing a church. WHITT and a co-conspirator spray-painted the exterior of the church, among other things. WHITT spray-painted swastikas and racist phrases, as well as symbols. When asked in an interview with law enforcement about the symbols, WHITT stated that they were signs from a gang he belonged to when he was younger called the "Cincy White Boys."

7. I have spoken with a task force officer with the FBI who specializes in local gang activity, as well as reviewed documents provided by him, and from those conversations and review, I have learned, among other things, the following:

- a. "Cincy White Boys" or "Cincinnati White Boys" ("CWB") is a gang that formed in approximately 2006 inside of a correctional facility. CWB membership grew quickly in approximately 2009.
- b. Members of CWB must be white, though there is one documented case of a black "associate" of CWB.
- c. CWB members often mark themselves with tattoos to indicate their membership. CWB members also use graffiti within the jails to denote their presence.
- d. Some members of CWB have racist views.

8. I have reviewed a page on Facebook located at the address <https://www.facebook.com/sam.whitt.9> (the "Sam Whitt Account"), and from that review, I observed, among other things, the following:

a. The individual purporting to be "Sam Whitt" appears in photographs on the page. The individual resembles photographs I have seen of SAMUEL WHITT from law enforcement and public record databases.

b. The Sam Whitt Account lists "Sam Whitt's" current city as Cincinnati.

c. The Sam Whitt Account lists "Sam Whitt's" work as "remodeling."

9. On or about December 12, 2016, law enforcement submitted a preservation request to Facebook for the Sam Whitt Account.

10. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

11. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

12. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group

identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

13. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

14. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. In addition, Facebook users can "check in" to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

15. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook’s purposes, the photos and videos associated with a user’s account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

16. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient’s “Inbox” on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

17. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

18. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (i.e., non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

19. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

20. Each Facebook account has an activity log, which is a list of the user's posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as "liking" a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user's Facebook page.

21. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs ("blogs"), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

22. The Facebook Gifts feature allows users to send virtual "gifts" to their friends that appear as icons on the recipient's profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other "pokes," which are free and simply result in a notification to the recipient that he or she has been "poked" by the sender.

23. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

24. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications ("apps") on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.

25. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's

profile; profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

26. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

27. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

28. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal



conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's "Neoprint," IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to "tag" their location in posts and Facebook "friends" to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

29. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information. Specifically, the information provided by Facebook may be able to provide the whereabouts, state-of-mind, preparation and planning, and/or co-conspirators of SAMUEL WHITT. The information may also assist in locating evidence (*e.g.*, the stolen refrigerator).

**INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

30. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

**CONCLUSION**

31. Based on the forgoing, I request that the Court issue the proposed search warrant.

32. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that -- has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i).

33. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

REQUEST FOR SEALING


34. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,



Pamela S. Kirschner  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me on January 5, 2017

  
HON. STEPHANIE K. BOWMAN  
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

**Property to Be Searched**

This warrant applies to information associated with the Facebook user ID  
**SAM.WHITT.9** that is stored at premises owned, maintained, controlled, or operated by  
Facebook Inc., a company headquartered in Menlo Park, California.

**ATTACHMENT B**

**Particular Things to be Seized**

**I. Information to be disclosed by Facebook**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments;

gifts; pokes; tags; and information about the user's access and use of Facebook applications:

- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (i) All information about the Facebook pages that the account is or was a "fan" of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user's access and use of Facebook Marketplace;
- (m) The types of service utilized by the user;
- (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

**II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 42, United States Code, Section 3631 involving SAMUEL WHITT since June 1, 2013, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Evidence relating to intimidation, injury, and/or interference with individuals on the basis of race;
- (b) Evidence relating to membership in gangs, groups, and/or organizations;
- (c) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (d) Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation;
- (e) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).
- (f) The identity of the person(s) who communicated with the user ID about matters relating to intimidation, injury, and/or interference with individuals on the basis of race, including records that help reveal their whereabouts.
- (g) Photos, videos, or communications involving the Price Hill House, the damage done at the Price Hill House, or the items removed from the Price Hill House.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS  
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, \_\_\_\_\_, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Facebook, and my official title is \_\_\_\_\_. I am a custodian of records for Facebook. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Facebook, and that I am the custodian of the attached records consisting of \_\_\_\_\_ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Facebook; and
- c. such records were made by Facebook as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

US000202

**Defense Exhibit A**